

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Fayetteville

Local Law No. 3 of the year 2010

A local law imposing a six month Moratorium on the approval of applications for construction and display of signs with internal lighting in the Village of Fayetteville.

Be it enacted by the Village Board of Trustees of the Village of Fayetteville as follows:

Section 1. Title.

This local law shall be referred to as Imposing a Six-Month Moratorium on new applications or proceedings for applications for, or the issuance of approvals, permits for signs with internal lighting within the Village of Fayetteville.

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Village of Fayetteville (the "Village ") to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of Trustees of the Village of Fayetteville hereby declares a six-month moratorium on applications or proceedings for applications for, or the issuance of approvals and permits for signs with internal lighting.

This moratorium will allow time for Village officials to review and update the Village's code and/or regulations regarding the types of signs, sign components and sign lighting appropriate in the Village of Fayetteville. Additionally, this moratorium will allow the Village to, among other things, make such other regulations as may be necessary and appropriate in order to protect the public interest and to promote and preserve the health, safety and welfare of the Village of Fayetteville, its citizens, businesses and property owners.

The Village Board of Trustees has determined that it is necessary to clarify the sign requirements within the Village's zoning districts where signs with internal lighting associated with business uses are allowed. Signs with internal lighting include, but are not limited to, signs that generate artificial light, neon signs, LED signs, LCD signs, florescent signs and electronic message boards.

The Village Board of Trustees desires to address, in a careful manner, the Village code provision's with respect to signs with internal lighting through a comprehensive review of the applicable criteria to ensure it is in harmony with the Village's overall plan of signage, including its Comprehensive Plan, Design Guidelines and precedent of prior Village determinations.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Village of Fayetteville Planning Board shall not grant any sign permit for internally lit signage that will have as the result the establishment or approval of any signs with internal lighting in the Village.

2. The Village of Fayetteville Building and Zoning Office shall not issue any sign permits or certificates of compliance that will have as a result the establishment or approval of any signs with internal lighting.

3. The Village of Fayetteville Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment or approval of any signs with internal lighting.

4. This moratorium shall supercede all relevant provisions of the New York State Village Law, the New York State Building Code, the Village of Fayetteville Village Code and any other applicable law, rule or regulation

C. The Village Board of Trustees of the Village of Fayetteville reserves the right to direct the Code Enforcement Officer to revoke or rescind any sign permits or certificates of compliance issued in violation of this Local Law.

Section 4. No Approval of Applications.

No pending or new application for approvals affected by this Local Law, shall be approved by any board, officer, employee or agent of the Village while the moratorium imposed by this Local Law is in effect. Any applicable board, officer, employee or agent of the Village shall have the ability to hear and consider any application during the period of the moratorium imposed by this Local Law, but shall not approve or disapprove any application until the moratorium imposed by this Local Law is terminated. Nothing in this Local Law shall be construed such as to result in any default approval for any application heard or considered during the moratorium imposed by this Local Law.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. In the event that the Village Board of Trustees of the Village of Fayetteville adopts or accepts a plan for signs with internal lighting prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that the Village adopts or accepts a plan for signs with internal lighting.

This moratorium may be extended by two additional periods of up to three (3) months each by resolution of the Village Board of Trustees upon a finding and a necessity for such extension.

During the period of this moratorium the Village shall endeavor to review and revise, as appropriate a comprehensive set of regulations for signage including signs with internal lighting in its districts where commercial businesses are allowed to operate.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of any Zoning District within the Village of Fayetteville.

Any dispute as to whether a property is encompassed within the geographic area detailed above shall be referred to the Code Enforcement Officer for a written interpretation. Any such determination may be appealed to the Village Zoning Board of Appeals.

Section 7. Penalties.

Any person, firm, corporation or other entity that shall establish a sign with internal lighting within the Village in violation of the provisions of this Local Law or shall otherwise violate the provisions of this Local Law shall be subject to:

A. Such penalties imposed by Section 187-40 of the Code of the Village of Fayetteville; and

B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law. The cost of such removal, including attorneys' fees incurred by the Village if any, shall constitute a lien and charge on any real property owned by the violator located within the Village and shall be collected in the same manner and at the same time as other Village charges.

Section 8. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 9. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of Trustees of the Village of Fayetteville in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, variance, special permit, site plan, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this Local Law, the Village Board of Trustees shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Village. At said Public Hearing, the property owner and any other person or party wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board of Trustees shall, within twenty (20) days of the close of the Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board of Trustees determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Governing Body shall vary the application to this Local law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.


Section 10. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the New York Secretary of State in accordance with the Municipal Home Rule Law.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2010 of the Village of Fayetteville was duly passed by the Village Board of Trustees on June 21 2010, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the above paragraph.


Lorie Corsette, Village Clerk

Date: 6-25-10

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Village Attorney